

REMARKS

Status of the Claims

Claims 4, 7-8, 15, 18-19, 23-40, and 43 are presently withdrawn. Claims 6 and 17 are presently cancelled. All cancelled subject matter is cancelled without prejudice toward its pursuit in subsequent continuation or divisional applications. Claims 10 and 21 have been amended to correct a typographical error. Support for the present claim amendments exists throughout the application as filed. No new matter has been added.

The Applicants note that Claims 1, 12, and 41 are linking claims for withdrawn claims 4, 7-8, 15, 18-19, and 43, and respectfully request that the restriction requirement be withdrawn upon finding the instantly pending claims allowable. MPEP 809.

The Government Rights section of the specification was amended to include the federal grant number. No new matter was added by this amendment.

Objection to the Oath/Declaration

Applicants submit herewith a supplemental oath/declaration executed by Ms. Lee.

Objection to the Specification

The Applicants have presently amended the specification to reflect the current status of the parent applications, as requested by the Office. As such, reconsideration and withdrawal of this objection is respectfully requested

Objection to the Claims

Claim 42 has been objected to for the use of the acronym "spp." The acronym has been replaced with the term "species." One skilled in the art would recognize the interchangeability of the acronym "spp." and the term "species" as used herein.

Claim Rejections

A. Rejection of claims 1 – 3, 12 – 14, and 41 under 35 U.S.C. 102(b).

Claims 1 – 3, 12 – 14, and 41 presently stand rejected for allegedly being anticipated by Brasseur *et al.* (*Antimicrob. Agents Chemother.*, 4/1993, 37(4), 889-892; 'Brasseur') alone or as evidenced by Barbes *et al.* (*FEMS Microbiology Letters*, 6/1990, 69(3), 239-243).

Brasseur is concerned with the antiprotozoal activity (particularly, anti-Cryptosporidial activity) of sinefungin. The instant claims have been presently amended to provide methods of treating bacterium-related diseases. As such, the applicants submit that the instant rejection has been overcome by amendment. The Applicants respectfully request reconsideration and withdrawal of the rejection.

B. Rejection of claims 1 – 3, 6, 9 – 14, 17, and 20 - 22 under 35 U.S.C. 102(b).

Claims 1 – 3, 6, 9 – 14, 17, and 20 - 22 presently stand rejected for allegedly being anticipated by Heithoff *et al.* (*Science*, 284(5416), 967-970; ‘Heithoff’).

Heithoff is concerned with the prevention and/or treatment of microbial diseases. With respect to claims to prevention of microbial diseases, the instant claims have been presently amended to provide methods of treating bacterium-related diseases.

With respect to claims to treatment of bacterium-related diseases, the Applicants respectfully submit that the rejected claims are supported under 35 U.S.C. 112, 1st paragraph by the disclosure of PCT/US97/16593, from which priority is properly claimed under 35 U.S.C. 365(c). In support, the applicants note the disclosures therein in at,

1. The paragraph bridging pages 5 and 6;
2. The section entitled, “4. Screening for inhibitors of methyltransferase or associated gene expression,” and
3. The Examples (particularly, Examples 2 – 4).

Particularly, each claim is supported by the text of the priority document as follows (referring to the preceding portions of the text by number),

Claim	Support
1	1, 2
2	1, 2
3	1, 2
5	1, 2
9	1, 2, 3

Claim	Support
10	1, 2, 3
11	1, 2, 3
12	1, 2
13	1, 2
14	1, 2

Claim	Support
16	1, 2
20	1, 2, 3
21	1, 2, 3
22	1, 2, 3

Therefore, the applicants submit that the proper priority date for the rejected treatment claims is 9/27/1997, and Heithoff is not available as prior art toward the treatment claims. The Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection based on the Heithoff reference

C. Rejection of claims 1 – 3, 5, 6, 9 – 14, 17, 20 – 22, 41, 42, and 44 under 35 U.S.C. 102(e).

Claims 1 – 3, 5, 6, 9 – 14, 17, 20 – 22, 41, 42, and 44 presently stand rejected for allegedly being anticipated by Mahan *et al.* (U.S. Patent No. 7,026,155, effective filing date 2/2/1999; 'Mahan').

The Applicants refer to their previous discussion of the priority property claimed under 35 U.S.C. 365(c) of PCT/US97/16593, and cite the same passages of the priority document. With respect to claims 41, 42, and 44, the Applicants note the claims are supported by section 1 (*supra*).

Therefore, the applicants submit that the proper priority date for the rejected claims is 9/27/1997, and Mahan is not available as prior art toward the treatment claims. The Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

Applicants respectfully submit that all requirements of patentability have been met. Allowance of the claims and passage of the case to issue are therefore respectfully solicited. If the Examiner has any questions or comments regarding this Amendment, they are encouraged to contact the undersigned as indicated below.

Respectfully submitted,

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